

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

REMARKS

I. Introduction

Claims 1-32 are pending in this Application. Applicant would initially like to thank the Examiner for the indication of allowable subject matter in claims 11, 12, 15 and 26. By this Amendment, claims 1, 2, 6, 8, 10, 22, and 24 are amended to correct formal matters. Claims 8, 13, and 15 are amended to change dependency as necessary to provide antecedent basis. New claims 29-32 are added. In view of the foregoing amendments and following remarks, it is respectfully submitted that the instant application is in condition for allowance.

II. Specification

In numbered paragraph 1 on page 2 of the Office Action, the specification is objected to because of informalities. Specifically, reference numeral 25 is used for both the fluid spring and the electric switch cabinet in paragraph [00025]. By this Amendment, Applicant amends paragraph [00025] of the specification to correctly recite the electric switch cabinet as reference numeral 28. Applicant respectfully requests that the objection be withdrawn. Paragraph [00025] is further amended to recite element 23 as a cover flap for consistency with the rest of the specification.

Applicant also amends paragraph [00016] on page 6 to correct a typographical error.

III. Claim Objections

In numbered paragraph 2 on page 2 of the Office Action, claim 8 is objected to because the term “holding” appears after the word “one” and after the word “horizontal” in line 2 of the claim. By this Amendment, Applicant has removed the term “holding” after the word “one”. Applicant respectfully requests that the objection be withdrawn.

IV. Rejections under 35 U.S.C. § 112

In numbered paragraph 4 on page 2 of the Office Action, claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 15 is rejected because the recitation of “the at least one traction element” in lines 1-2 of the claim lacks antecedent basis. By this Amendment, Applicant amends claim 15 to depend from claim 11 which recites “at least one traction element”. Accordingly, Applicant respectfully submits that the rejection has been overcome.

V. Rejections under 35 U.S.C. § 103(a)

In numbered paragraph 6 on page 3 of the Office Action dated September 29, 2005, claims 1-10, 13, 14, 16-25, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,280,250 to Martin in view of U.S. Patent No. 5,537,717 to Carey et al (“Carey”). The rejection is respectfully traversed because the Office Action fails to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01(III). For example, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984); M.P.E.P. § 2143.01(V).

Claim 1 of the present application recites:

An arrangement for a spinning preparation machine having machine sides presenting at least one side region and one end region of the machine, the arrangement comprising:
machine supports for supporting the machine; and
a machine casing arranged along the sides of the machine and including casing elements attached to the supports, the casing elements being arranged to open up or close off openings in the machine casing so that free access is given to the at least one side region and the one end region of the machine.

Thus, the present invention, as recited in claim 1, requires an arrangement for a spinning preparation machine including machine supports for supporting the machine, as well as casing elements attached to the supports along the sides of the machine, the casing elements arranged to allow access to the machine on at least one side region and one end region thereof.

Martin is cited in the Office Action as teaching, in FIG. 1, an arrangement for a spinning preparation machine 21 having machine sides 4, 5 which provide support for the machine 21 (citing column 3, lines 40-55). The Office Action expressly acknowledges that Martin fails to disclose a machine casing arranged along the sides of the machine, including casing elements attached to the supports to open up or close off openings in the machine casing so that free access is given to the at least one side region and the one end region of the machine (*see* paragraph 6 on page 3 of the Office Action).

Carey is then cited as teaching guards 11 for a carding machine 10, the guards 11 being mounted to a machine support structure and arranged along the sides and end of the machine (citing column 4, lines 9-10) to shield personnel from coming into contact with the rotating parts of the carding machine. The Office Action further states that the guards are pivotally mounted so

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

as to enable personnel to perform maintenance work on the machine when it is not in operation. In response, Applicant respectfully submits that the combination set forth in the Office Action is improper and does not establish a *prima facie* case of obviousness for at least the following two reasons.

First, there is no suggestion or motivation to modify Martin or to combine the references. Martin teaches a textile carding machine frame construction including two frame side members 4, 5 for supporting the machine (*see* FIGS. 1, 2, and 4; column 3, line 36 – column 4, line 13). The frame side supporting members 4, 5 are specifically constructed from rolled steel plate or sheet in a box-like form having a closed outer wall portion and side stiffener elements 5d positioned therein (*see* FIGS. 1-3; column 2, lines 37-68). Martin states that the purpose of this construction is to provide “increased rigidity over previously known frames,” and further to keep the frame “free from protuberances and traps for fibres and trash, thus preventing accumulation of fibres” (column 4, lines 9-19). Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not modify the support structure of Martin to include the guards 11 taught by Carey because the proposed modification would render Martin unsatisfactory for its intended purpose. That is, modifying Martin to include the guards 11 of Casey would seemingly reduce the rigidity of the side members 4, 5 by removing supporting material. It would also create additional traps for fibers and trash.

Second, even assuming, *arguendo*, that the combination of Martin and Carey was proper, Applicant respectfully submits that the combination fails to teach each and every limitation recited in at least claim 1. As noted above, the supporting frame side members 4, 5 of Martin are constructed from rolled steel plate or sheet in the form of a box having closed outer walls and substantially closed inner walls (except for apertures cut therein for mounting various components and assemblies – *see* column 2, lines 38-39). Accordingly, even if the hinged guards

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

11 of Carey were added to Martin, free access to the side of the machine, as required by claim 1, would not be possible.

For at least the foregoing reasons claim 1 is submitted as being allowable over the combination of Martin in view of Carey. Claims 2-28 depend from claim 1 and are submitted to be allowable for at least the same reasons.

Furthermore, with regard to claim 25, page 6 of the Office Action summarily states that “rails are attached to the at least one horizontal holding element.” The Applicant respectfully traverses the rejection because neither one of Martin or Carey teaches or suggests rails attached to at least one horizontal holding element. Reconsideration is respectfully requested.

In numbered paragraph 7 on page 6 of the Office Action, claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Carey, as applied to claim 1, further in view of U.S. Patent No. 5,290,077 to Fleming. Applicant respectfully traverses the rejection for at least the same reasons as set forth above with regard to claim 1. Claim 27 depends from claim 1 and is, therefore, submitted at being allowable for at least the same reasons as claim 1.

VI. New Claims 29-32

By this Amendment, Applicant adds new claims 29-32 to more particularly recite the features of the invention. New claim 29 recites

An arrangement for a spinning preparation machine having machine sides presenting at least one side region of the machine, the arrangement comprising:
at least one vertical supporting element for supporting the machine;

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

at least one horizontal holding element attached to the at least one vertical supporting element, the at least one horizontal holding element having a rail attached thereto; and
a machine casing arranged along the sides of the machine and including at least one casing element attached to the rail of the at least one horizontal holding element, the at least one casing element being displaceable along the rail in a horizontal direction to open up or close off openings in the machine casing so that free access is given to the at least one side region of the machine.

Applicant respectfully submits that neither one of Martin or Carey, alone or in combination, teaches or suggests “at least one casing element attached to the rail of the at least one horizontal holding element, ***the at least one casing element being displaceable along the rail in a horizontal direction*** to open up or close off openings in the machine casing so that free access is given to the at least one side region of the machine” (emphasis added).

New claim 30 recites:

An arrangement for a spinning preparation machine having machine sides presenting at least one side region of the machine, the arrangement comprising:

machine supports for supporting the machine, the machine supports including

at least one vertical supporting element; and

at least one horizontal holding element; and

a machine casing arranged along the sides of the machine and including at least one casing element attached to at least one of the at least one vertical supporting element or the at least one horizontal holding element, the at least one casing element being rotatable or pivotable around a vertical axis to open up or close off openings in the machine casing so that free access is given to the at least one side region of the machine.

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

Applicant respectfully submits that neither one of Martin or Carey, alone or in combination, teaches or suggests “at least one casing element attached to at least one of the at least one vertical supporting element or the at least one horizontal holding element, ***the at least one casing element being rotatable or pivotable around a vertical axis*** to open up or close off openings in the machine casing so that free access is given to the at least one side region of the machine” (emphasis added).

VII. Conclusion

For the foregoing reasons, it is submitted that all of the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested. It is not believed that extensions of time or other fees are required beyond those that may otherwise be provided for in documents accompanying this paper. If, however, additional extensions of time are needed to prevent abandonment of this application, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims or any other fee deficiency), are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261.

Application No. 10/661,635
Reply dated December 29, 2005
Reply to Office Action of September 29, 2005

The Examiner is respectfully requested to contact Applicant's undersigned Representative if necessary to place the application in condition for allowance. Prompt reconsideration is respectfully requested.

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Respectfully submitted,



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